

Expiration of Conditional Approvals



**NATIONAL COASTAL NONPOINT MEETING
LANSDOWNE CONFERENCE CENTER
APRIL 22-25, 2002**





Expiration of Conditions: Background

- ✓ **Statutory penalty provisions for “failure to submit an approvable program”**
- ✓ **Clear in NOAA/EPA policy guidance that outstanding conditions = non-approvable program**
- ✓ **Even w/2 year extension of conditional approval, some states will have conditions remaining**
- ✓ **Several states subject to penalties in FY03 grant cycle, beginning April/May 03**



Financial Implications

- ✓ **Total cost of penalties (assuming 19 states in FY02)**
 - *CWA 319* ~ \$22,000,000
 - *CZMA 306* ~ \$18,000,000

- ✓ **Example for Louisiana**
 - $(\sim 30\% \times 319 [5.64M]) = \$1,691,000$
 - $(30\% \times 306/309 [2.52M]) = \$756,000$



Expiration of Conditions - Options

- ✓ Invoke penalty provisions of the statute (30% of 306/CZMA, 30% 319/CWA) beginning with FY03 grants
- ✓ Further extend conditional approval
- ✓ Use continued 6217 implementation funding as an incentive – limit to fully approved states
- ✓ Give Credit for “Reasonable Advancement” through Measurable Performance
- ✓ Seek legislative fix – amend 6217
- ✓ For states in “95th percentile” – grant full approval with remaining issue(s) addressed in implementation strategy? (e.g., Pilot Projects in DE, USVI)

Other Options? Combination of the above?



Expiration of Conditions - Options

- ✓ Coastal States Organization Recommendation
- ✓ NOAA/EPA Management discussions
- ✓ What do you think?